

PRESENT: G. A. Coyner, II, Chairman  
 T. H. Byerly, Vice Chairman  
 D. A. Brown  
 S. F. Shreckhise  
 J. R. Wilkinson, Zoning Administrator & Secretary  
 Pat Morgan, County Attorney

ABSENT: J. D. Tilghman

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 7, 2012, at 9:00 A.M., in the County Government Center, Verona, Virginia.

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The staff briefing was held at **9:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

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**VIEWINGS**

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- **Christopher L. Scott - Special Use Permit**
- **Cathy M. Bond - Special Use Permit**
- **Joseph P. or Cleda M. Copeland - Special Use Permit**

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.

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Chairman

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Secretary

PRESENT: G. A. Coyner, II, Chairman  
T. H. Byerly, Vice Chairman  
D. A. Brown  
S. F. Shreckhise  
J. R. Wilkinson, Zoning Administrator & Secretary  
Pat Morgan, County Attorney  
B. Cardellicchio-Weber, Administrative Assistant

ABSENT: J. D. Tilghman

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VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, June 7, 2012, at 1:30 P.M., in the County Government Center, Verona, Virginia....

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**MINUTES**

Vice Chairman Byerly moved that the minutes from the May 3, 2012, meeting be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**TINA M. HUFFAKER, AGENT FOR AVANTE GROUP, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Tina M. Huffaker, agent for Avante Group, Inc., for a Special Use Permit to continue the existing assisted living facility on property owned by GREA Properties Birch Gardens, LLC, located at 12 Royal Drive in the Wayne District.

Mr. Michael R. Booth stated he is the agent for Avante. He mentioned they would like to continue the operation as an assisted living community.

Mr. Shreckhise asked if there would be any changes?

Mr. Booth stated no.

Chairman Coyner asked if the facility would be private pay?

Mr. Booth stated yes.

Chairman Coyner asked how many locations does Avante have?

Mr. Booth stated twenty-five (25). He stated they have sites in Florida, North Carolina, South Carolina, and Virginia.

Chairman Coyner stated were this to be approved the permit may have the same conditions as the previous permit. He mentioned any future expansion would require another permit.

Ms. Brown asked if the applicant will be rehiring the existing employees?

Mr. Booth stated yes.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed.

Mr. Shreckhise moved that the request be approved with the following condition:

**Pre-Conditions:**

None

**Operating Condition:**

1. Be permitted to continue operation of the existing thirty-nine (39) bed facility.

Ms. Brown seconded the motion, which carried unanimously.

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**TINA M. HUFFAKER, AGENT FOR AVANTE GROUP, INC. - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Tina M. Huffaker, agent for Avante Group, Inc., for a Special Use Permit to continue the existing assisted living facility on property owned by GREA Properties Royal Care, LLC, located at 54 Imperial Drive in the Wayne District.

Chairman Coyner stated the only difference in the permit is the facility name but they are both doing the same function.

Mr. Michael Booth stated in Birch Gardens they handle mild dementia and mild Alzheimer's but not in Royal Care.

Ms. Brown asked if this is also private pay?

Mr. Booth stated yes.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed.

Vice Chairman Byerly moved that the request be approved with the following condition:

**Pre-Conditions:**

None

**Operating Condition:**

1. Be permitted to continue operation of the twenty-six (26) bed facility and the three (3) duplex buildings with six (6) total units.

Ms. Brown seconded the motion, which carried unanimously.

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**JASON A. POWERS - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jason A. Powers, for a Special Use Permit to have a construction business on property owned by Buryle G. Brooks and Jason A. Powers, located at 6047 Lee Jackson Highway in the Riverheads District.

Mr. Jason Powers stated that he would like to park construction vehicles and trailers. He stated that he does not have anyone come to his house to do business.

Chairman Coyner asked if this is a side job for the applicant?

Mr. Powers stated this is what he does for a living.

Mr. Shreckhise stated this is the same as what the applicant has been doing except for a truck or trailer parked at the site occasionally. He asked how often will they be onsite?

Mr. Powers stated he may have one at the site once every two (2) weeks or one (1) time a week. He stated most times they would stay at the jobsite.

Ms. Brown asked about the entrance requirements?

Mr. Wilkinson stated they have received comments from VDOT. He suggested that the applicant contact Matt Shiley at VDOT for revised comments as far as upgrading the entrance.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed.

Ms. Brown mentioned that he only wants to park trucks at the site every now and then. She stated no employees will be coming to the site. She moved that the request be approved with the following conditions:

**Pre-Condition:**

1. Obtain VDOT entrance permit and provide a copy to Community Development.

**Operating Conditions:**

1. Business vehicles be limited to two (2) company trucks and two (2) company trailers at the site and they be parked behind the opaque privacy fence.
2. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
3. Site be kept neat and orderly.
4. No more than one (1) employee to come to the site.
5. No further expansion.

Mr. Shreckhise seconded the motion, which carried unanimously.

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**HOPE A. RAMSEY - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Hope A. Ramsey, for a Special Use Permit to have a design business on property owned by William E. and Sarah F. Brubeck, located at 40 Cherry Grove Road in the Riverheads District.

Ms. Hope Ramsey stated that she would like to operate a small screen print and embroidery business that will cater to smaller jobs. She stated everything is done offsite except for the embroidery. She mentioned that she is not sure how many customers she will have.

Chairman Coyner asked if the customers would call her or would she have a website?

Ms. Ramsey stated the customers will come and see her or she could go see them.

Chairman Coyner asked if she would have any employees?

Ms. Ramsey stated no.

Chairman Coyner asked what the hours of operation would be?

Ms. Ramsey stated the hours would be Monday thru Friday 9:00 a.m. to 6:00 p.m. and Saturday by appointment only.

Ms. Brown asked if the applicant would cater to youth football and softball?

Ms. Ramsey stated yes. She stated she has been involved in the business for twenty (20) years. She stated they will place the order and drop ship the item to the screen printers and then deliver it to the customer once the item is ready.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. William Brubeck stated that he is the property owner of the site. He stated the site has been vacant for awhile. He stated they are not going to use the entire building. He mentioned there is plenty of parking onsite. He felt that this would be something good for the community.

Chairman Coyner asked if there was anyone else wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He felt this request would be compatible with the area.

Vice Chairman Byerly stated this is a reasonable request. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Hours of operation be 9:00 a.m. to 6:00 p.m. Monday thru Friday. Saturday hours by appointment.
2. No Sunday work.
3. No employees.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**JANE CALLISON - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Jane Callison, for a Special Use Permit to have a yarn shop on property owned by Genevieve O. Wood, Estate of, located at 3396 Stuarts Draft Highway in the Beverley Manor District.

Ms. Jane Callison stated she would like to move the yarn shop into the property and will live upstairs. She mentioned she has been in business for four (4) years. She stated there will not be a lot of customers coming to the shop at one time. She stated some days she will have two (2) to five (5) and some days more. She stated they also give classes and lessons and it gives an opportunity for ladies to get together and get to know each other more. She stated that right now they are in the Village Furniture store but they want to have a place of their own.

Chairman Coyner asked if there are sales done on the internet?

Ms. Callison stated they send out monthly newsletters with classes and coupons but they do not sell on the internet.

Chairman Coyner asked if there are phone sales?

Ms. Callison stated no. She stated people come to the store.

Chairman Coyner stated they will continue to operate as they have done in Stuarts Draft but with the ability for her to reside in their own building. He asked if there would be special items that would need to be done as per the building code?

Ms. Callison stated there will be a handicapped ramp up to the front porch. She stated they are looking into repairing the floor joist due to the fact that they are cracked.

Ms. Brown asked if they will use the basement?

Ms. Callison stated no just the main level.

Ms. Brown asked how would their customers know about the business?

Ms. Callison stated from their website.

Chairman Coyner asked how would they receive deliveries?

Ms. Callison stated the deliveries would be from UPS or FedEx.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated this business would be compatible with the surrounding area. He mentioned this is a low impact business.

Mr. Shreckhise moved that the request be approved with the following conditions:



**Pre-Condition:**

1. Obtain letter of approval from Building Inspection.

**Operating Conditions:**

1. Be limited to one (1) employee other than family members.
2. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**CHRISTOPHER L. SCOTT - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Christopher L. Scott, for a Special Use Permit to rent out the existing dwelling as a vacation home and remodel or reconstruct the barn as a bunkhouse on property he owns, located at 398 Stokesville Road in the North River District.

Mr. Christopher Scott stated that he operates a bicycle tour business and promotes bicycling in the area. He stated that he would like to create something marketable and have people stay the weekend in order to embrace the community and ride bikes around the area.

Chairman Coyner asked if the clients would stay in the house now and later on in the barn?

Mr. Scott stated the clients would stay in the home for a weekend or week. He mentioned he is planning on rehabilitating the barn. He mentioned his future vision would be people riding bikes throughout the entire region. He stated the barn/bunkhouse will be used only at night and have people just riding through.

Chairman Coyner asked what will need to be done before the applicant operates at the site?

Mr. Scott stated that he is approved at certain levels with the Health Department.

Mr. Wilkinson stated that it is fine for the applicant to get started with only a six (6) person maximum occupancy with the drainfield.

Mr. Scott stated that would be adequate.

Mr. Wilkinson stated that the applicant would need to work those details out with the Health Department. He stated the applicant should be aware that if they have more than twenty-five (25) clients they will need to provide a different water source as per the Health Department.

Mr. Scott stated the Stokesville campground's well is on the property and he may look into that further.

Mr. Wilkinson stated the Health Department's numbers are based on occupancy. He stated that the recommended operating condition #5 is about junk vehicles or stripped vehicles at the site.

Mr. Scott stated that he does have tractors, mowing, and farming equipment at the site.

Mr. Wilkinson asked what would be the maximum number of guests?

Mr. Scott stated twelve (12) outside and ten (10) in the home.

Chairman Coyner stated the site is very well kept right now.

Mr. Scott stated the site will be nicer the next time the Board visits.

Vice Chairman Byerly asked if the applicant is anticipating a bike-a-thon.

Mr. Scott stated that he does intend to have those types of events but not based out of this location. He stated the Stokesville campground has had similar events.

Chairman Coyner stated this is a quiet agricultural area.

Vice Chairman Byerly stated the roads in the area are narrow. He stated there could be a safety issue with the bikes.

Chairman Coyner asked if people bike in the winter months?

Mr. Scott stated sometimes people do but there is slow to no business at all in the winter months.

Ms. Brown asked how many bedrooms are in the dwelling?

Mr. Scott stated there are two (2) bedrooms and a big loft with its own full bathroom. He stated they can accommodate two (2) couples and potentially four (4) kids if they could get the Health Department satisfied.

Ms. Brown asked about food preparation?

Mr. Scott stated the customers would take care of their own food preparation.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated this would be a great place and it is an ideal location.

Mr. Shreckhise stated that this would not interfere with anyone else. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Be permitted to rent the house for a maximum six (6) people. The maximum number of people may be increased to twelve (12) **only** after the applicant receives written approval from the Health Department and provides a copy to Community Development.
2. Be permitted to remodel or reconstruct the barn into a bunkhouse for up to ten (10) people provided Community Development receives approval of plans from Building Inspection and Health Department.
3. Be given two (2) years to complete the project.
4. Site be kept neat and orderly.
5. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.

Ms. Brown seconded the motion, which carried unanimously.

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**CATHY M. BOND - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Cathy M. Bond, for a Special Use Permit to expand a non-conforming dwelling on property she owns, located at 2789 Stuarts Draft Highway in the South River District.

Mr. Barry Lotts stated that he is here to represent Cathy Bond. He stated she would like to have an addition to the house in the back to have more room. He stated it would be 3.09' from the property line and will not encroach any more. He stated they have been living there since 1972 and would like to add on to have more room.

Chairman Coyner stated this condition exists a lot in the area.

Mr. Lotts stated yes especially in that particular section of Stuarts Draft.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated this is a typical situation in older villages. He stated she would not encroach any closer to the property line.

Vice Chairman Byerly stated that this is a reasonable request. He moved that the request be approved with the following condition:

**Pre-Conditions:**

None

**Operating Condition:**

1. Addition be permitted no closer to the property line per the submitted site sketch.

Ms. Brown seconded the motion, which carried unanimously.

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**JOSEPH P. OR CLEDA M. COPELAND - SPECIAL USE PERMIT**

This being the date and time advertised to consider a request by Joseph P. or Cleda M. Copeland, for a Special Use Permit to have a kennel on property they own, located at 762 Flat Rock Road in the Wayne District.

Ms. Cleda Copeland stated that she has lived in Augusta County for seven (7) years and when she went to get her kennel tags, the Treasurer's office informed her that she needed a Special Use Permit. She stated they have lived in other counties and have always maintained a kennel license. She stated if the dogs are not inside the house or in the kennel they are with her. She mentioned she co-owns Belgian Sheep dogs with someone in Falls Church. She stated the number of dogs may fluctuate.

Chairman Coyner stated this is a good spot. He asked if she breeds the dogs?

Ms. Copeland stated that she does do a little breeding with the Belgian Sheep dogs. She stated that she also has two (2) Border Collies and she trains them on sheep herding trials.

Ms. Brown asked how many dogs does the applicant have currently?

Ms. Copeland stated she only has five (5) dogs now.

Vice Chairman Byerly asked what is the size of a Belgian sheep dog?

Ms. Copeland stated the female is anywhere from 35-45 pounds and the male is about 80 pounds.

Chairman Coyner asked if they have sheep at the site for the dogs?

Ms. Copeland stated yes. She mentioned the entire lower field is setup to train the dogs.

Mr. Wilkinson asked if eight (8) dogs would be sufficient when the other owner may come and bring some additional dogs to the site?

Ms. Copeland asked if the Board would allow her a license for twenty (20) dogs?

Mr. Shreckhise felt that ten (10) dogs would be within reason. He stated dogs less than six (6) months of age do not count toward the number of dogs.

Chairman Coyner stated ten (10) dogs should work for the applicant. He asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He stated this is an ideal spot to have a kennel.

Vice Chairman Byerly stated this is a reasonable request. He moved that the request be approved with the following conditions:

**Pre-Conditions:**

None

**Operating Conditions:**

1. Maximum of ten (10) adult dogs kept at this site at any time.
2. Dogs be kept inside from 10:00 p.m. until 6:00 a.m.
3. Applicant must reside on premises.
4. Site be kept neat and orderly.

Ms. Brown seconded the motion, which carried unanimously.

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**MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR**

**LYNN KOERNER, AGENT FOR GLOBAL TOWER, LLC - ONE YEAR EXTENSION OF TIME REQUEST**

A request by Lynn Koerner, agent for Global Tower, LLC, for a Special Use Permit to construct a wireless telecommunications facility on property owned by James and Magdalene Brenneman, located on the north side of Lyndhurst Road (Route 624), approximately .25 of a mile west of the intersection of Lyndhurst Road and Tic Tree Lane in the South River District.

Mr. Wilkinson stated the applicant asked to have another year to construct the wireless telecommunications facility. He stated this tower is much needed in the Lyndhurst area.

Mr. Shreckhise moved that the one (1) year Extension of Time request be approved.

Ms. Brown seconded the motion, which carried unanimously.

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**STAFF REPORT**

- 11-37 Deerfield Valley Volunteer Fire Department, Inc.
- 11-38 Cestari Sheep & Land Company, LLC
- 11-39 Springhill Presbyterian Church
- 11-40 Christians Creek, LLC

Mr. Wilkinson stated that SUP#11-37 is in compliance. He had sent the applicant a letter regarding the completion of their pre-conditions for SUP#11-38. He stated the site plan has been submitted and approved for SUP#11-39 but construction has not started yet. He stated that SUP#11-40 is in compliance.

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Mr. Morgan passed out the court cases for the Board to review.

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There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary